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## REMARKS

Applicant has amended claims 1, 11 and 22 to better define its claimed invention by pointing out that the layers with domes comprise polymeric film layers. Attachment A contains the amended claims marked to show the amendments. Additionally, Applicant has added new claims 28 and 29 to better define Applicant's method of using a domed packing material. Claim 29 requires each of the polymeric film layers to be less than 0.010 inches thick. Indeed, depending on the polymeric material, Applicant has been able to produce a suitable film having a thickness of as low as 0.004 inches.

Applicant respectfully traverses the Restriction Requirement set forth in the outstanding Office Action on the above-identified application.

The Restriction Requirement identifies five inventions as follows: I. Claims 1-6; II. Claims 7-10; III. Claims 11-21; IV. Claims 22-26; and V. Claim 27.

Applicant respectfully submits that claims 1-6 drawn to a domed packing material, claims 11-16 drawn to a method of making and packaging a domed packing material, and claims 22, 24, 25 and 26 directed to a method of using a domed packing material are all directed to the same invention.

Independent claim 1 relates to a domed packing material comprising: an assembly comprising a plurality of polymeric film layers; and a plurality of domes formed in the assembly; wherein the domes formed in the assembly nest to take up a minimal amount of space, and the plurality of polymeric film layers can be separated and disoriented to occupy a larger space for use as packing material. Claims 2-6 depend therefrom and contain all of the limitations thereof.

Independent claim 11 relates to a method of making and packaging a domed packing material comprising: providing a plurality of polymeric film layers; positioning the polymeric film layers together to form a composite assembly; forming a plurality of domes in the polymeric film layers forming the composite assembly, the domes nesting; and packaging the domed composite assembly in a nested condition, the polymeric film layers being separable to occupy a larger space for use as a packing material. Claims 12-16 depend from claim 11 and contain all the limitations thereof.

Applicant respectfully submits that independent claims 1 and 11 are directed to the same invention. Specifically, claim 1 is directed to a domed packing material and claim 11 relates directly to forming a domed packing material by forming domes in the material. Claim 11 does not specify how the domes are formed, and accordingly, the statement in the Office Action that "the product as claimed can be formed by a materially different process such as one which injection molds the domes in the sheet(s)" fails to distinguish the invention of claims 1 and 11. Claim 11 is not limited to a specific method for forming the domes. As such, Applicant respectfully submits that independent claims 1 and 11, and claims 2-6 and 12-16 that depend therefrom, are directed to the same invention.

It should be pointed out that thin polymeric films cannot be injection molded because the plastic does not flow. Thus, injection molding is not a process that can be used to manufacture the domed packing material of the present invention.

Applicant additionally submits that claims 22 and claims 24, 25, and 26 which depend therefrom are directed to the same invention as claims 1-6 and 11-16.

Claim 22 relates to a method of using a domed packing material comprising: obtaining a piece of composite domed packing material having a plurality of polymeric film layers with nested

comes; separating the polymeric film layers; disorienting the polymeric film layers; and utilizing the disoriented polymeric film layers to place about an object to be packed. Again, the stated reason in the Office Action for differentiating the invention of claim 22 from the inventions claims 1-6 and 11-16 is that the claimed product can be used in a materially different process such as an underlying vapor barrier for carpeting or any process which does not require the separating and disorienting steps. This argument fails to consider the fact that all of claims 1-6, 11-16 and 22, 24, 25 and 26 expressly relate to a domed packing material and accordingly, specifically do not relate to an underlying vapor barrier for carpeting or other process.

In conclusion, based on careful review of the claims, Applicant submits that inventions I, part of III, and part of IV, namely, claims 1-6, 11-16, 22, 24, 25, 26 and 28 are directed to the same invention and are properly included together in the present application.

Applicant provisionally elects to prosecute claims 1-6 directed to invention I, with traverse.

All issues raised in the Restriction Requirement are believed to have been addressed. Applicant respectfully submits that claims 1-6, 11-16, 22, 24, 25, 26, 28 and 29 are directed to the same invention and should be examined together in the present application. No new matter is believed to have been added. Examination is requested and favorable action solicited.

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Respectfully submitted,

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ATTACHMENT A

1. (Twice Amended) A domed packing material comprising:

an assembly comprising a plurality of polymeric film layers; and

a plurality of domes formed in the assembly;

wherein the domes formed in the assembly nest to take up a minimal amount of space before use, and the plurality of polymeric film layers can be separated and disoriented to occupy a larger space for use as packing material.

11. (Twice Amended) A method of making and packaging a domed packing material comprising:

providing a plurality of polymeric film layers;

positioning the polymeric film layers together to form a composite assembly;

forming a plurality of domes in the polymeric film layers forming the composite assembly, the domes nesting; and

packaging the domed composite assembly in a nested condition, the polymeric film layers being separable to occupy a larger space for use as a packing material.

22. (Twice Amended) A method of using a domed packing material comprising:

obtaining a piece of composite domed packing material having a plurality of polymeric film layers with nested domes;

separating the polymeric films layers;

disorienting the polymeric film layers; and

utilizing the disoriented polymeric film layers to place about an object to be packed.